

1 MARY ANN McNETT MASON (SBN 115089)
2 County Counsel
3 SEAN M. RODRIQUEZ (SBN 286668)
4 Deputy County Counsel
5 COUNTY OF CONTRA COSTA
6 1025 Escobar Street, Third Floor
7 Martinez, California 94553
8 Telephone: (925) 655-2280
9 Facsimile: (925) 655-2266
10 Electronic Mail: sean.rodriquez@cc.cccounty.us

11 Attorneys for Defendants
12 CITY OF LAFAYETTE, OFFICER KEVIN WHITE,
13 OFFICER NEIL BLACK, and CONTRA COSTA COUNTY

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 AUDREY G., a Minor and DEVIN G., a
17 Minor by and through VICTOR GRAYSON
18 as Guardian Ad Litem, JESSE B., a Minor
19 by and through JAMES LARRY BENTON,
20 SR. as Guardian Ad Litem, and JAMES
21 LARRY BENTON, SR. in his Individual
22 Capacity,

23 Plaintiffs,

24 v.

25 CITY OF LAFAYETTE, OFFICER KEVIN
26 WHITE, OFFICER NEIL BLACK,
27 CONTRA COSTA COUNTY,

28 Defendants.

No. 3:21-cv-03545 WHO

STIPULATION AND [PROPOSED]
ORDER TO CONTINUE MOTION
DEADLINES

Crtrm: 2, 17th Floor

Judge: Hon. William H. Orrick, Presiding

Date Action Filed: May 11, 2021

Trial Date: None Assigned

25 Pursuant to Local Rule 6-1(a) of the Civil Local Rules of the U.S. District Court for the
26 Northern District of California, Plaintiffs Audrey G., Devin G., Victor Grayson, Jesse B., and
27 James Larry Benton, Sr. ("Plaintiffs"), and Defendants City of Lafayette, Officer Kevin

1 White, Officer Neil Black, and Contra Costa County (“Defendants”), by and through their
2 attorneys of record, hereby stipulate to a continuance of the deadlines related to Defendant
3 Officer Neil Black’s Motion to Dismiss the Third Amended Complaint, currently set to come
4 for hearing before the Court on September 28, 2022.

5 Good cause exists for this requested continuance, as counsel for both parties will be
6 unavailable in early September 2022.

7 Therefore, Plaintiffs and Defendants hereby respectfully request that the Court:

- 8 1. Find that good cause exists to continue the motion to dismiss schedule; and
9 2. Order that Plaintiffs respond to the motion to dismiss by September 14, 2022;
10 set a reply date of September 23, 2022; and schedule a hearing on the motion to dismiss on
11 October 12, 2022.

12 IT IS SO STIPULATED.

13
14 **ATTORNEY ATTESTATION**

15 I hereby attest that I have authorization from all the above-named counsel to E-file this
16 stipulation and this authority is reflected by the conformed signature (“/s/”) within this
17 document.

18 DATE: September 7, 2022

/s/ Sean M. Rodriguez
19 Sean M. Rodriguez, Esq.
20
21
22
23
24
25
26
27
28

1 DATED: September 7, 2022

MARY ANN McNETT MASON
COUNTY COUNSEL

3 By: /s/ Sean M. Rodriguez

4 SEAN M. RODRIGUEZ
5 Deputy County Counsel
6 Attorneys for Defendants
7 CITY OF LAFAYETTE, OFFICER KEVIN
WHITE, OFFICER NEIL BLACK, and
CONTRA COSTA COUNTY

8

9 DATED: September 7, 2022

10 By: /s/ Pamela Y. Price

11 PAMELA Y. PRICE, ESQ.

12 Attorney for Plaintiffs AUDREY G., a Minor and
13 DEVIN G., a Minor by and through VICTOR
14 GRAYSON as Guardian Ad Litem, JESSE B., a
15 Minor by and through JAMES LARRY
16 BENTON SR. as Guardian Ad Litem, and
17 JAMES LARRY BENTON, SR. in his Individual
18 Capacity

1 **[PROPOSED] ORDER**

2 The Court, having reviewed the above stipulation and request, finds and orders as
3 follows:

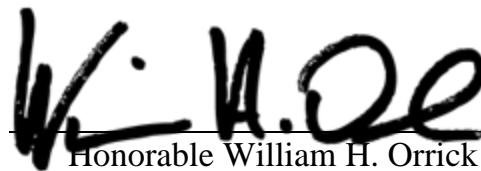
4 1. The Court finds that there is good cause to continue the opposition, reply,
5 and hearing dates on Defendant Officer Neil Black's motion to dismiss the third amended
6 complaint.

7 2. Plaintiffs will respond to the motion to dismiss by September 14, 2022; the reply
8 is due September 23, 2022; and the hearing will be set for October 12, 2022.

9

10 **IT IS SO ORDERED.**

11 Date: September 7, 2022



Honorable William H. Orrick
United States District Court,
Northern District of California